

DESERET EVENING NEWS

Organ of the Church of Jesus Christ of Latter-day Saints.

PUBLISHED EVERY EVENING.
(SUNDAYS EXCEPTED)

Corner of South Temple and East Temple Streets
Salt Lake City, Utah.

Charles W. Penrose, Editor
Herbert G. Whitney, Business Manager

SUBSCRIPTION PRICES	
One Year	\$2.00
Six Months	1.25
Three Months	.75
One Month	.25
One Year	2.00
Saturday edition, per year	2.00
Semi-Weekly	2.00

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SAN FRANCISCO OFFICE
In charge of E. J. Cooper, 36 Geary St.
Correspondence and other reading matter for publication should be addressed to the Editor.
Address all business communications to THE DESERET NEWS, Salt Lake City, Utah.

SALT LAKE CITY, FEB. 27, 1902.

THE GOVERNOR ON IRRIGATION.

The opening address at the irrigation convention by Governor Heber M. Wells, which the Deseret News published in full on Wednesday evening, was pregnant with good thoughts and practical suggestions, for the consideration of the gentlemen assembled to deliberate upon measures for the benefit of this state.

It is conceded by all persons who have investigated the subject, that advanced methods are necessary for the increase of the water supply, its storage and its distribution. But all are not agreed as to the most feasible and equitable methods to bring about the needed improvements. The Governor alluded to the failure of attempts to procure local legislation on the subject, in consequence of what he described as "fear and trembling" on the part of legislators and of the press. On this point the Governor said:

"It is not infrequently that the press, in dwelling upon the various subjects demanding attention at the hands of assembling legislatures, has seen fit to sound a note of warning that when it came to the subject of irrigation the lawmakers ought to go slow—that perhaps, inasmuch as the matter was fraught with such enormous consequences to the people, and particularly to the irrigators, that it was better to leave conditions pretty much as they are, to let well enough alone, etc. Indeed, so high has the feeling run at times, when new laws have been proposed, that it has not been uncommon to hear such remarks made by old and otherwise law-abiding citizens as that, if the legislature should undertake to legislate their water rights away they would have no hesitancy in shouldering their muskets and taking the law into their own hands. It may as well be confessed that while all of us have sensed the necessity of doing something to improve existing conditions, none of us have known exactly the thing to do. The result has been confusion, lawsuits, trouble and expense."

The fact referred to by the Governor cannot be fairly disputed. But we think there has been ample cause for the hesitation exhibited by the framers of our laws, and for the caution raised by the press. At almost every session of the Legislature, both of the Territory and of the State, schemes have been presented for measures which would have been injurious, both to individuals and public and private corporations having vested rights to the use of waters for domestic, agricultural or manufacturing purposes. In not a few instances that might be cited, individuals having personal ends in view have been active, in urging their particular plans with more or less plausibility and apparent public benefit. But, usually, they have not been preservative of existing rights and therefore were very properly defeated. It must not be forgotten in legislation of the kind desired, that the Constitution of the State contains this provision:

"Article 17. All existing rights to the use of any of the waters in this State for any useful or beneficial purpose are hereby recognized and confirmed."

In the same instrument the rights of counties, cities and towns, in respect to waters under their supervision, are also firmly established as follows:

"No municipal corporation shall directly, or indirectly, lease, sell, alien or dispose of any waterworks, water rights or sources of water supply now or hereafter to be owned or controlled by it; but all such waterworks, water rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and improved for the supplying its inhabitants with water at reasonable charges, etc."

These provisions throw around the municipal and private corporations, companies and individuals possessing the prior rights of appropriators, a protective guard against any legislation that may be projected which would interfere with those rights or curtail them in any degree. If such measures as have been recommended by some professional and other champions of irrigation schemes had been enacted by the legislature, they would have occasioned expensive and protracted litigation, resulting in their ultimate condemnation as unconstitutional and void. It was therefore prudent on the part of our lawmakers to hesitate when appeals were made to them for such legislation, and eminently proper on the part of the press to warn them against any ill-advised plans that may have been proposed.

We now caution the convention assembled to discuss plans for the future, against adopting any particular or pet scheme that may have been devised without regard to the constitutional provisions we have cited. Our State must stand on its own organic law, and not upon that of any other State which may have adopted different basic provisions. Our own conditions, too, must be taken into account, and such measures be recommended as are suited thereto. That which may be applicable to other localities may not be adapted to the situation in Utah. It

must be remembered always that regard should be had to the requirements and demands of our own particular and special surroundings.

There is another point which ought to be well considered, in any measure to establish boards of control and distribution of water privileges, and that is, that disputes on these matters cannot be finally settled without recourse to the courts established by law and by the Constitution. Judicial authority, however vested in minor tribunals, cannot supersede that of the Supreme court of the State. The efforts made in the past to place the adjudication of water rights in boards not included in the judiciary established by law, proved futile when brought to the test. It will be found by experience, that measures devised to place authority in any body or board of control, which would aim to take irrigation matters out of the jurisdiction of the courts, would prove abortive, because cases in litigation would have to be settled, finally, by a constitutional tribunal.

The Governor's recommendations as to water storage, national legislation as to the arid lands, and on the subject of forest reserves, are well-timed and forcibly presented. The whole address is admirably fitted to the occasion, and we have no doubt that its practical observations and suggestions will receive that careful attention from the gentlemen assembled to which they are certainly entitled.

AS TO RIGHT OF WAY.

A farmer residing in Salt Lake county wishes the Deseret News to answer a question, which affects him personally and which may have a bearing upon other persons similarly situated. He is the owner of a piece of ground in the center of a quarter section, which he has cultivated for many years and to which he has a right of way from the east. But as his residence is to the west, he has been in the habit for ten years, of going out of the field eastward, thus crossing over another man's land, and by doing so saving the extra travel which would be necessary in using his own right of way toward the west. He claims that having used this outlet for so long a time without objection from the owner of the land he traversed, he cannot now be deprived of that privilege, nor be required to pay the owner for a right of way in the desired direction.

Our opinion is that if our correspondent has no other way of egress from his land than the route he has been accustomed to take, he would have acquired the right of way by usage, if it had continued for twenty years. But as he owns, and has owned all along, a right of way to and from his land although it is in an undesirable direction, he cannot legally or equitably lay claim to the route which he has taken through the kindness and suzerainty of his neighbor. If he could not obtain entrance to his land in any other way, his claim might be valid. But under the circumstances existing we think his case is not sound.

We would advise him to make a fair and just arrangement with the owner of the land he wishes to cross, and either buy a right of way, or make an agreement in writing, properly signed and attested, which will secure him in that which he wishes. Neighbors ought to accommodate each other kindly, and at the same time the rights of all parties should be considered and maintained.

DILEMMA OF SENATORS.

Washington dispatches indicate that the senators are very much in doubt as to the proper course to pursue in relation to the exceedingly disgraceful conduct of two members of the senate. They feel convinced that the matter should be dealt with, but just how seems to be difficult to decide.

If the senators were to act in accordance with the demand of public opinion, they would expel both combatants from the august body. For it is the general view that only so can the stain be wiped off. But it appears that this proper course cannot very well be followed, for political reasons. It is also feared that at least one of the senators would be promptly returned, although one would suppose that the constitution should see to this. Neither of the two can have much influence in the senate any more, and the people should not be anxious to return any of them, after their usefulness is gone. If the two senators had decency enough left to resign, the senate would be relieved of an embarrassing situation.

The Austrian reichsrath has at times gained an unenviable reputation for humorism, but Congress has not for many years presented a spectacle like that which recently was seen there. It should not occur again. The first requisite of a law-giver should be obedience to law, even under the most trying circumstances. The country has been disgraced, and some heroic treatment of the offenders is demanded. A reprimand will not serve the purpose. And the senate finds it difficult to take action. South Carolina should come to its aid, by demanding a change of representation at the earliest possible date.

MISS STONE FREE, WHAT NEXT?

Since word has been received that Miss Stone is coming home soon, it may be assumed that she is now set free for certain. It is gratifying to learn that she was treated well, while in captivity, and that she is not any the worse off for her trying experience.

The question as to the motive of the capture is discussed by Mr. Spencer Eddy, one of the secretaries of the United States legation at Constantinople. He takes the view that it was a political conspiracy. The Macedonian revolutionists, he says, needed the \$100,000 to buy arms to be used in a war of liberation, and they took this means of securing part of that sum. They selected an American victim, to call the attention of the world to their cause. Turkey, he says, will have a problem on her hands, if she attempts to punish the ringleaders, for the Macedonians have risen up as one man in their determination to be freed from Turkey and this kidnapping of the two American missionaries may be called chapter one in their plan for liberty.

The next chapter in the history of

this case, which has attracted world-wide attention, will be written when the United States government undertakes to fix the responsibility for the capture and collect the indemnity. It is certain that the government cannot permit the matter to drop now, without taking the risk of losing prestige abroad. It cannot afford to let the impression prevail that American citizens can be captured by foreign brigands, with impunity. A sufficient indemnity must be collected, and Turkey, it appears, is responsible, since the sultan claims some sort of suzerainty over Bulgaria. If the Bulgarian government is responsible in the last instance, it might be given an opportunity to settle with Constantinople. But the question cannot be allowed to drop now. The honor of this country is to be vindicated, and the safety of Americans abroad, secured.

AN ANGLO-SAXON UNION.

W. T. Stead is renowned for his original and startling sayings. His latest is, that in his opinion, the people of Great Britain have two alternatives before them: One is, to merge the British empire in the United States of the English-speaking world; the other is the acceptance of the suppression of the United States as the center of gravity in the English-speaking world, with the loss of the British colonies and the reduction of Great Britain to the status of an English-speaking Belgium. One or the other, he says, it must be. And he evidently leans toward the first of these alternatives. "If," he argues, "it is admitted that the whole trend of our time is toward the unification of races of a common stock and common language; if it is further admitted that such unification would carry with it incalculable advantages in securing the English-speaking nations from all danger either of a fratricidal conflict or of foreign attack, while enormously improving both their prosperity at home and the influence which they can exert abroad, it is difficult to resist the conclusion that the object is one well worthy of being made the ultimate goal of the statesmen both of the United States and of the United Kingdom."

He points out that politicians are not likely to talk upon this subject, because a public suggestion that Great Britain join the United States under one common flag might be construed as treason, but, he asserts, privately, the strongest imperialists are heart and soul in favor of seeing the empire and the republic merge into one United States of the world.

The suggestion is one before which even unbridled imagination may pause and gasp for breath. But perhaps its realization should not be thought any more impossible than was, a century ago, the unification of the German empire. That was done through statesmanship and a succession of wars. Today various fragments of what was once the Roman empire are joined together under a common constitution, by which the united principalities "form an eternal union for the protection of the realm and the care and the welfare of the German people." No less than twenty-five states, with separate governments constitute this "eternal union." And it is not impossible that German-speaking Austria and German-speaking Switzerland may some day be added to it. What has been done in the German-speaking world during the course of one brief century may take place in the English-speaking world in another century. It would, at least, be imprudent to deny the possibility of such an event. The union of the Anglo-Saxons would certainly form a world-power in the literal sense of that term. And if that power were to stand for human liberty, it would mean incalculable benefits for the entire human race.

The brigands kept faith. Also the money. A senatorial delegation divided against itself cannot stand. All men love justice provided they are the judge who administer it. Lord Rosebery can create a great stir. Can he create a great party?

How many insults and outrages are committed in thy name, O southern chivalry! The Prince's life in America must be strenuous enough to suit the exacting Mr. Roosevelt.

Day after tomorrow spring will be here, but it will hardly be the ethereal, mild spring of song.

The weather should suit the delegates to the irrigation convention, water being just what they want.

Those two burglars hanged at Asheville, N. C., are no relation to the famous "Burglars in Paradise."

Prince Henry counts that day lost in which he is not on the keen jump from early morn till late at night.

From Prince Henry's visit Emperor William will learn that "Peace hath her victories no less renowned than those of war."

It is surprising how many surprises the Bots have in store for the British. The great surprise will be when they have no more.

It is said that the brigands who captured Miss Stone were handsome fellows. Miss Stone is "handsome as a handsome does."

The gentlemen who represent (or misrepresent) South Carolina in the Senate merely gave an exhibition of "muscular Christianity."

O'Donovan Rossa, the famous Fenian, has had his long expected. Had he had his tongue extended it would have been better for mankind.

Sensor Beveridge says that people of our blood never leave land they have once occupied. The statement is historically inaccurate and "pure rot." As witness Mexico and China.

The Senate seems unable to make any satisfactory disposition of the Tullman-McCray question. It might be as well to refer the matter to a committee and there let it be pigeon-holed.

One of the dogs at the New York show sports five gold teeth, and the middle one is set with a diamond. And

yet it didn't get a prize. But its owner was entitled to the booby prize.

Lieutenant-Governor Tillman of South Carolina having deliberately affronted President Roosevelt, it would meet the hearty approval of the people of the United States if he would decline to visit the Charleston exposition.

The rebuke administered to the British press by the Westminster Gazette for its unseemly and impolitic comments on the reception accorded Prince Henry, is well timed and well deserved. The Prince has ingratiated himself with the American people which fact cannot but tend to make the relations of the United States and Germany more friendly. His visit is in part in the nature of a social function, and nothing so irritates people as to have their social doings sneered at and criticised. The Gazette has taken a proper stand and shown great good sense.

Ex-Secretary of State John W. Foster seemingly has "no use" for the New York correspondent of the London Times. He speaks of him in these terms: "Smalley is doubtless a correspondent of ability and large experience, but no living journalist has done so much to injure the United States abroad or to besmirch the reputation of our country. . . . It would be much better for the London Times to send to the United States a frank and honest Englishman as its representative than to maintain here an American toady, however able he may be."

GOVERNOR TAFT'S PROGRAM.

Chicago Record-Herald.
Governor Taft's program for the Philippines includes: (1.) A declaration of intention to hold the islands indefinitely, with the understanding that "when the latter are suitable for such a condition they may be given quasi-independence." (2.) The grant of a qualified suffrage with a gradual growth in popular government, which should be enlarged through education in the English language and in American institutions. (3.) The institution of a local legislature, to consist of two bodies, one to be chosen by vote and the other to be appointive. (4.) Representation of the islands at Washington by two or three delegates.

New York World.
Gov. Taft would have our government give notice of a purpose to "hold the islands indefinitely" as an act of school-master and ruler for their people. President Scherman of Cornell, who understands the problem perhaps better than any other American, says: "From the American point of view, ultimate Philippine independence is inevitable and devoutly to be wished. Any decent kind of government of Philippines by Filipinos is better than the present possible government of Filipinos by Americans."

Philadelphia Press.
The Philippine situation loudly calls for a statement of the American policy in terms that no one can mistake. Such a declaration would greatly conduce to a restoration of peace and order. It would put rest and confidence in the minds of the Filipinos, free Americans from the dread of a semi-civilized state as a future member of the Union, and save us from the danger which is pregnant with future disaster to republican institutions.

New York Evening Post.
If we cast our eyes on an example nearer home, what do we observe in the neighboring republic of Mexico? Here we find a large aboriginal population, long under Spanish rule, finally liberated, and after a brief trial of monarchy, making for itself a government that has worked well. The parallel of conditions in the Philippines is very close. A Mexican of pure Aztec or mixed blood and a Filipino of the same condition would be very much alike, though necessarily with racial differences. Might not a closer study of the Mexican experiment lead to a still an experiment—lead to the conclusion that capacity for self-government, and that a people may be civilized, or at all events peace and happiness, without following our ideals?

Philadelphia Press.
The map showing the regions in the Philippines safe and accessible to Americans, unarmed and unaccompanied by a guard, tells its own story in a few daily paragraphs of press dispatches touching special incidents, from which it would be rash to generalize regarding the character of his country. It is a Washington, doubtless, much fuller account is in circulation, emanating from those who hear it all and can express an intelligent opinion of its significance. It is certain, however, that if Judge Taft's ex parte testimony is not convincing, no other will be. His knowledge of the facts is equal to any man's, he is able, and he favors the policy that has been pursued.

Boston Herald.
For two weeks or more Gov. Taft has been before the Senate committee almost daily. We presume the sessions have lasted an average of two hours each. They have been "covered" by a few daily paragraphs of press dispatches touching special incidents, from which it would be rash to generalize regarding the character of his country. It is a Washington, doubtless, much fuller account is in circulation, emanating from those who hear it all and can express an intelligent opinion of its significance. It is certain, however, that if Judge Taft's ex parte testimony is not convincing, no other will be. His knowledge of the facts is equal to any man's, he is able, and he favors the policy that has been pursued.

RECENT PUBLICATIONS.

The opening article in the March number of the Woman's Home Companion is by Ernest Harold Baynes, and is devoted to "The Coming Spring." Wireless Telegraphy is explained by an expert; and another timely article deals with "The First President of the Cuban Republic." The paper on "Courtship and Marriage Customs in Many Lands" treats of the queer customs of the Hindu and Parsee. There is an installment of "Deeds of Heroism of Women in the Civil War." The fiction includes stories by Clinton Ross, Will Payne and Mary Tracy Earle. A new feature is "Thumbnail Editorial" by famous women. There is an article on the new game, Ping-pong; there are stories for children, and many pages of Easter fashions.—The Crowell & Krikpatrick Co., Springfield, O.

National Magazine for March has several features of interest. Judge Andrew J. Harlan, last survivor of the Thirty-first Congress, contributes a chapter of reminiscences of the men who figured in that body. Senator Hansbrough, the author of the pending irrigation bill, tells how the measure proposes a plan by which the nation is investing \$200,000,000 for a period of 40 years, will add \$2,400,000,000 to the debt of the people. Captain Arthur McGraw, the Boston export agent and former navigator, declares the Darien route for the Isthmian canal is a win-win, and why he holds this view. Arthur Powell Davis, one of the government's experts, tells what irrigation

has done for Arizona. Frank C. Gould describes the miracle irrigation has wrought in the San Luis Valley of Colorado. Robert Luce of Boston gives a quick sketch of the new political primary as employed in Minnesota. H. I. Cleveland contributes a set of sketches and portraits of some of the picturesque men of Chicago. Helen Arthur poses the passing fashions in theatricals at New York. Arthur McIlroy writes of "Zolivia as a Field for American Trade." Stories and poetry complete the list of contents.—Boston.

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